

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

ROBERT EDWARD STEPHENS,

Defendant and Appellant.

D074146

(Super. Ct. No. SCN380632)

APPEAL from a judgment of the Superior Court of San Diego County, Carlos O. Armour, Judge. Affirmed.

Paul R. Kraus, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for the Plaintiff and Respondent.

Robert Edward Stephens's appointed appellate counsel has filed a brief asking this court to independently review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). We affirm the judgment.

FACTUAL AND PROCEDURAL BACKGROUND

Around 9:00 p.m., after dark, San Diego County Sheriff's Deputy Matthew Harrel was on patrol in Vista in his marked car when he noticed a white pickup truck being driven without its headlights on. The car turned into a nearby parking lot and Harrel followed. When Harrell was within a car length of the truck, he turned on his lights to initiate a traffic stop. The driver of the pickup then drove out of the parking lot and accelerated. Harrel pursued the truck in his patrol car, and was led on a chase through several stop signs and red lights at speeds up to 60 miles per hour. As the pickup truck sped through traffic it weaved in and out of lanes around other cars.

After several minutes, the truck veered into a residential neighborhood, continuing to violate traffic signs and at one point driving 40 miles per hour down the wrong side of the road and almost colliding with another vehicle. The truck finally came to a stop in the driveway of a residence. The driver, Stephens, got out of the vehicle and moved towards the house. Harrell drew his gun and yelled commands at Stephens to lie on the ground. Stephens complied, telling Harrell he had an outstanding warrant and that he was an intravenous drug user. Stephens was arrested, and officers found drug paraphernalia in Stephens's pockets and in the pickup truck. The arresting officers also reported that Stephens showed physical signs of being under the influence of drugs, including slurred speech and drowsiness. A blood test taken shortly after was positive for methamphetamine.

The district attorney charged Stephens with felony evasion of an officer with reckless driving (Veh. Code, § 2800.2, subd. (a)), felony driving in the opposite lane while evading an officer (Veh. Code, § 2800.4), and misdemeanor driving under the influence of drugs (Veh. Code, § 23152, subd. (f)). After a three-day trial, the jury found Stephens guilty on all three counts. The trial court sentenced Stephens to the middle term of two years on each felony conviction concurrently, and stayed the sentence on the Vehicle Code section 2800.4 violation under Penal Code section 654. The court imposed various fees and fines, including restitution fines of \$1,800 each under Penal Code sections 1204.4, subdivision (b) and 1202.45. The court later reduced those fines, *nunc pro tunc*, to \$600 each.

DISCUSSION

As indicated, appointed appellate counsel filed a brief pursuant to *Wende, supra*, 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738 (*Anders*) summarizing the proceedings below and indicating he could not find any reasonably arguable issues for reversal or modification of the judgment on appeal. We granted Stephens permission to file a brief on his own behalf. He has not responded. Our review of the record as mandated by *Wende* and *Anders* disclosed no reasonably arguable appellate issues. Competent counsel represented Stephens on this appeal.

DISPOSITION

The judgment is affirmed.

McCONNELL, P. J.

WE CONCUR:

AARON, J.

IRION, J.